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FILED
U.S. DISTRICT COURT
SAN JOSE, CALIFORNIA
MARCH 28, 2012

Counsel for Defendant CORTEZ-PADILLA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 11-00872 RMW
)	
Plaintiff,)	STIPULATION AND []
)	ORDER CONTINUING HEARING DATE
vs.)	AND EXCLUDING TIME UNDER THE
)	SPEEDY TRIAL ACT
JUAN CORTEZ-PADILLA,)	
)	
Defendant.)	
_____)	

STIPULATION

Defendant Juan Cortez Padilla, by and through Assistant Federal Public Defender Varell L. Fuller, and the United States, by and through Special Assistant United States Attorney Carolyn Sanin, hereby stipulate that, with the Court's approval, the status hearing currently set for Monday, March 26, 2011, at 9:00 a.m., shall be continued to Monday, April 30, 2012, at 9:00 a.m.

The reason for the requested continuance is the government has denied Mr. Cortez-Padilla's request for a redetermination of his eligibility for the fast-track early disposition program based on reciprocal discovery provided by the defense. Defense counsel respectfully request additional time to complete ongoing investigation and legal research necessary to

1 effectively prepare Mr. Cortez-Padilla's defense. Based on the foregoing, the defense requires
2 additional time to effectively prepare, and therefore respectfully requests a continuance of the
3 status hearing previously set in this matter to April 30, 2012.

4 Accordingly, the parties agree that the time between March 26, 2012, and April 30, 2012,
5 may be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for
6 effective preparation by defense counsel.

7
8
9 Dated: March 22, 2012

_____/s/_____
10 VARELL L. FULLER
Assistant Federal Public Defender
11

12 Dated: March 22, 2012

_____/s/_____
13 CAROLYNE A. SANIN
Special Assistant United States Attorney

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16 //
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[] ORDER

18 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
19 ORDERED that the hearing currently set for Monday, March 26, 2012, shall be continued to
20 Monday, April 30, 2012, at 9:00 a.m.

21 THE COURT FINDS that failing to exclude the time between March 26, 2012, and April
22 30, 2012, would unreasonably deny the defendant reasonable time necessary for effective
23 preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. §§
24 3161(h)(7)(B)(iv).

25 THE COURT FINDS that the ends of justice served by excluding the time between
26

1 March 26, 2012, and April 30, 2012, from computation under the Speedy Trial Act outweigh the
2 interests of the public and the defendant in a speedy trial.

3 THEREFORE, IT IS HEREBY ORDERED that the time between March 26, 2012, and
4 April 30, 2012, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §
5 3161(h)(7)(A) and (B)(iv).

6 IT IS SO ORDERED.

7 Dated: ~~HEB~~ EFG


THE HONORABLE RONALD M. WHYTE
United States District Judge